

Wetlands Bureau Decision Report

Decisions Taken
07/12/2010 to 07/18/2010

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to George "Chip" Kimball, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2008-01445 SALEM, TOWN OF
SALEM Hedgehog Pond

Requested Action:

Retain 10 cubic yards of sand placed on an existing 2060 sq ft sloped beach and add 20 cubic yards of sand to re-establish an 800 sq ft of beach on Hedgehog Pond, in Salem.

Conservation Commission/Staff Comments:

Con Com has recommends approval

APPROVE PERMIT:

Retain 10 cubic yards of sand placed on an existing 2060 sq ft sloped beach and add 20 cubic yards of sand to re-establish an 800 sq ft of beach on Hedgehog Pond, in Salem.

With Conditions:

1. All work shall be in accordance with plans revision dated June 08, 2010, as received by DES on June 14, 2010.
2. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
3. No more than 30 cu yd of sand may be used and all sand shall be located above the normal high water line.
4. This permit shall be used only once, and does not allow for annual beach replenishment.
5. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
6. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(o), replenishment of a beach that does not meet the criteria for minimum impact under Env-Wt 303.04(d) or Env-Wt 303.04(aa), or minor impact under Env-Wt 303.03(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

2009-02113 MAUS, GERARD & SUSAN
WOLFEBORO Lake Winnepesaukee

Requested Action:

Appellant requests reconsideration of the Department's March 16, 2010 decision to approve the application for impacts associated with the construction of a dug-in boathouse on the basis that the information submitted to the file does not accurately portray the site conditions and the proposal is not the least impacting alternative.

DENY RECONSIDERATION:

Reconsider and reaffirm decision to approve a permit to remove an existing permanent pier and boathouse located over public waters, retain a second permanent pier, construct a seasonal pier, and dredge the lakebed, place rip-rap in the lake bed and bank, and impact the shoreland and bank for the construction of a 2-slip, dug-in boathouse on an average of 341 ft of frontage on Lake

Winnepesaukee in Wolfboro.

With Findings:

Grounds for Reconsideration

1. The Appellant argues that the wetlands delineations of the frontage, which indicate that the area of the boathouse construction is not jurisdiction wetlands, are based upon insufficient data. The Appellant further argues that there are jurisdictional wetlands that will be directly impacted by the boathouse construction.
2. The Appellant maintains that there are navigational hazards offshore from the proposed boathouse that will result in navigational difficulties for the users of the boathouse. The Appellant further maintains that boats using the boathouse will need to pass in front of their property and will diminish their ability to enjoy their property.
3. The appellant maintains that the boats utilizing the proposed boathouse will trespass across the projection of the Appellant's property line over the lake.
4. The Appellant maintains that the Applicant failed to submit additional information pertaining to the control of erosion, sedimentation, and milfoil growth along the shore.
5. The Appellant maintains that the approval of this project will encourage future applicants to sequence the development of their shorefront properties in the same manner as this project.

Standards for Approval

1. In accordance with RSA 482-A:10, I, Appeals, "Any person aggrieved by a decision made by the department under RSA 482-A:3 may apply for reconsideration by the department, and then may appeal to the wetlands council and to the supreme court as provided in this section."
2. In accordance with RSA 482-A:10, III, Appeals, "On reconsideration, the department shall receive and consider any new and additional evidence presented, and shall make findings of fact and rulings of law in support of its decision after reconsideration."
3. Pursuant to Rule Env-Wt 203.02, (f), Reconsideration of Permitting Decisions, the Department may decide to hold a public hearing on the basis of the complexity of the issues and the determination that the information on which the department is being asked to rely in its reconsideration would only effectively be presented at a hearing.
4. Pursuant to Rule Env-Wt 301.01, (a), Delineation of Wetlands Boundaries, wetlands delineations shall be based upon the presence of hydrophytic vegetation, hydric soils, and wetlands hydrology in accordance with the techniques outlined in the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, January, 1987.

Findings of Fact

1. On September 9, 2009, the Department received an application for the modification of docking facilities including the removal of a structure meeting the Department's definition of "boathouse" from public waters and the construction of a new dug-in, 2-slip, boathouse near the opposite property line.
2. This project is classified as a major project per Rule Env-Wt 303.02(d), construction of a major docking facility and Rule Env-Wt 303.02(g), dredge of more than 20 cu yd of material from public water.
3. On March 16, 2010, the Department approved the application, with findings.
4. On April 15, 2001, the Department received a request for reconsideration of the permit from an abutting property owner citing the Grounds for Reconsideration as outlined above. This request is the Appellant's first grievance filed relative to the application is thus, in accordance with RSA 482-A:10, I, Appeals, has been filed with the Department.
5. The area of the proposed boathouse has on separate occasions been classified as uplands by two different Certified Wetlands Scientists. On February 18, 2010 the Department received information from one of the two wetlands scientists indicating that only 43% of the vegetation observed in the area in question would be considered "dominant hydrophytes."
6. Finding # 9 of the Department's March 16, 2010 decision to approve the project stated: "9. The Applicant has provided the information necessary for the Department to determine that the project should not adversely affect the ability of the abutting property owner to develop and utilize their property."
7. Field inspection by NH DES staff on November 3, 2009 found no evidence that the proposed boathouse is in an exceptionally hazardous area for navigation or that its location would reasonably impact the use of the adjacent public waters.
8. The Department finds that the complexity of the issues is not sufficient to require a public hearing. The Department further finds that the information the Department is being asked to rely upon would not be more effectively presented at a public hearing.

Rulings in Support of the Decision

1. The lack of dominance of wetlands vegetation (measured at only 43%) in the area of the proposed boathouse fails to meet the criteria for classification as a wetland as outlined in the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, January, 1987.
2. The Appellant has provided no evidence in support of the claim that the proposed boathouse will adversely impact their frontage. The Department re-affirms the approval of the project on the basis of Finding # 9 of the previous decision as well as the observations made during the November 3, 2009 field inspection.
3. The waters of Lake Winnepesaukee are part of the public trust and as such the abutter's boats cannot be considered to be trespassing if they should pass in front of the Appellant's property. In addition there is no evidence that the location of the boathouse should result in a need to pass within an unreasonable distance to the abutting frontage.
4. The plans specifically approved by the Department on March 16, 2010 show the steps taken to stabilize the areas impacted during construction to prevent erosion and sedimentation into protected resource areas. There is no requirement that the Applicant address the control of Milfoil as part of this project.
5. There are no requirements with regard to the sequence in which the Applicant must seek the required permits for the development of their shoreline property. The activities proposed on the property have met the respective requirements established under RSA 483-B and RSA 482-A and, therefore, permit has been independently issued under each statute.
6. The Appellant has failed to submit any new and additional evidence indicating that the application fails to meet the requirements of RSA 482-A. Therefore the Department re-affirms its March 16, 2010 decision to approve the application on the basis of its original findings.

-Send to Governor and Executive Council-

2010-00647 COLEBROOK, TOWN OF **COLEBROOK Mohawk River**

Requested Action:

Dredge and fill a total of 9,563 square feet of temporary and permanent stream bank and bed impacts to replace three sections of failing retaining walls and reconstruct two water mains within the Mohawk River, including: replace 178 linear feet of retaining wall in the same footprint with added stone toe stabilization, including 712 square feet of temporary impact and 1,114 square feet of permanent impact; replace existing gabion basket wall with 122 linear feet of concrete segmental wall and added stone toe stabilization, including 375 square feet of temporary impact and 735 square feet of permanent impact; install 157 square feet of stone stream bed erosion stabilization to match existing contour; replace 20 linear feet of retaining wall and reconstruct water main in the same location, with 2,210 square feet of temporary impact and 150 square feet of permanent impact. Temporarily impact 4,200 square feet of stream bank for access to reconstruct second section of water main.

Waive Env-Wt 301.01(g) requiring minor and major projects to provide a wetlands delineation stamped by a Certified Wetland Scientist.

Waive Env-Wt 304.04 requiring written authorization to work within 20' of an abutting property line.

APPROVE PERMIT:

Dredge and fill a total of 9,563 square feet of temporary and permanent stream bank and bed impacts to replace three sections of failing retaining walls and reconstruct two water mains within the Mohawk River, including: replace 178 linear feet of retaining wall in the same footprint with added stone toe stabilization, including 712 square feet of temporary impact and 1,114 square feet of permanent impact; replace existing gabion basket wall with 122 linear feet of concrete segmental wall and added stone toe stabilization, including 375 square feet of temporary impact and 735 square feet of permanent impact; install 157 square feet of stone stream bed erosion stabilization to match existing contour; replace 20 linear feet of retaining wall and reconstruct water main in the same location, with 2,210 square feet of temporary impact and 150 square feet of permanent impact. Temporarily impact 4,200 square feet of stream bank for access to reconstruct second section of water main.

Waive Env-Wt 301.01(g) requiring minor and major projects to provide a wetlands delineation stamped by a Certified Wetland Scientist.

Waive Env-Wt 304.04 requiring written authorization to work within 20' of an abutting property line.

With Conditions:

1. All work shall be in accordance with Town of Colebrook: Mohawk River Retaining Wall Replacement and Water Main Reconstruction plans by Horizons Engineering dated 3/11/2010 as received by DES on 3/16/2010.
2. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
3. Work shall be done during low flow conditions.
4. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
10. Temporary cofferdams shall be entirely removed immediately following construction.
11. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
12. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
13. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
18. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
19. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
20. Following completion of work the areas of temporary impact shall be restored with native stream material and be restored to the original contours.
21. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
22. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a Major Project per Administrative Rule Env-Wt 303.02(i), projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing retaining walls are failing, and the water main is exposed and deteriorating.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. Replacement work is to be confined to the same footprint with the exception of additional stone toe stabilization; water main repair will maintain existing river bottom conditions and elevations.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application

Evaluation, has been considered in the design of the project. No species of concern were reported for the project vicinity by the NH Natural Heritage Bureau.

5. DES field inspected the site on 4/27/2010 and confirmed that the project and site conditions were accurately represented in the plans.
6. The Colebrook Conservation Commission did not report.
7. The applicant has requested waivers, pursuant to Env-Wt 204.03, to Administrative Rule Env-Wt 301.01(g)(1), requiring plans for major and minor category projects to be stamped the by Certified Wetlands Scientist responsible for the wetlands delineation, and to Env-Wt 304.04, requiring written permission to be obtained from the abutter for the applicant to conduct project work within 20' of an abutting property line.
8. Env-Wt 301.01(g)(1), is waived, based on the following, pursuant to Env-Wt 204 Waivers:
 - a. Granting the waiver will not result in adverse impact as described in Env-Wt 204.04(a)(1);
 - b. The project affects a clearly evident perennial stream bank and bed, without evidence of wetlands soils or vegetation above the top of bank, eliminating the need for further delineation, and thus meets the criteria of Env-Wt 204.04(a)(2)a.
9. Pursuant to the requirements of Env-Wt 204.04(a)(2), DES finds that condition Env-Wt 204.04(a)(2)b., necessary to granting the Waiver, has been met.
10. Based on findings 7-8 above, DES grants the applicant a Waiver to rule Env-Wt 301.01(g)(1).
11. Env-Wt 304.04, is waived based on the following, pursuant to Env-Wt 204 Waivers:
 - a. Granting the waiver will not result in adverse impact as described in Env-Wt 204.04(a)(1);
 - b. Pursuant to the requirements of Env-Wt 204.04(a)(1)b., DES finds that granting the waiver will not result in a more significant impact on abutters than compliance with the rule.
 - c. DES finds that strict adherence to the rule being waived would result in the inability of the Town to do necessary municipal water maintain reconstruction.
12. Pursuant to the requirements of Env-Wt 204.04(a)(2), DES finds that condition Env-Wt 204.04(a)(2)b., necessary to granting the Waiver, has been met.
13. Based on findings 10-11 above, DES grants the applicant a Waiver to rule Env-Wt 304.04.
14. The project meets the criteria of Env-Wt 302.03(c)(2) and does not require a compensatory mitigation proposal
15. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

2010-00676 USDA FOREST SERVICE, WHITE MTN NATIONAL FOREST
BETHLEHEM Gale River & Scarface Brook

Requested Action:

Permanently impact 17,898 square feet for the replacement of 3 bridges on the South Branch of Gale River (a perennial stream); the replacement of two culverts on intermittent streams; to provided scour protection for a bridge on Scarface Brook (a perennial stream) and for road improvements.

APPROVE PERMIT:

Permanently impact 5,980 square feet and temporarily impact 3,460 square feet for the replacement of 3 bridges on the South Branch of Gale River (a perennial stream); the replacement of two culverts on intermittent streams; and to provided scour protection for a bridge on Scarface Brook (a perennial stream). Permanently impact 1800 square feet of wetlands for road improvements.

With Conditions:

1. All work shall be in accordance with plans by DuBois and King entitled South Gale Road and Bridge Construction (Sheets 3;4-5;7;9;12;28-40;45-47 of 47) dated March 10, 2010 as received by DES on March 18, 2010; South Gale Road and Bridge Construction (Sheets12-15 of 41) dated June 30, 2010 as received by DES on July 01, 2010; and Typical Channel Section (Sheet 1 of 1) dated June 30, 2010 as received by DES on July 01, 2010.
2. Areas of temporary impact shall be restored to pre-construction conditions.
3. Materials used to emulate a natural channel bottom within the culvert, between wingwalls and beyond must be rounded and smooth stones similar to the natural stream substrate and shall not include angular rip-rap or gravel.

4. The recreated stream channel bed must maintain the natural and a consistent streambed elevation and not impede stream flow.
5. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
6. A post-construction report documenting the status of the restored temporary impact areas, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
7. Remedial actions shall be scheduled if the restoration of the temporarily disturbed jurisdictional areas is not successful. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year.
8. Work shall be done during low flow.
9. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
12. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
13. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
14. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
15. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
16. All equipment shall work from adjacent banks or uplands and shall not enter flowing water.
17. Proper headwalls shall be constructed within seven days of culvert installation.
18. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
19. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
20. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
21. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
22. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
23. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
24. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
25. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
26. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a Major Project per Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The existing bridges were severely damaged in the August 2008 floods.
6. The stream bed will be restored with natural rock and to the natural grade.
7. The new bridges were sized to accommodate a one-hundred year storm event and are 1.2 times the bankfull width plus a minimum of 2 feet.
8. NHB commented that they do not think the road improvements would impact this nearby species since it is far enough away from the project. The rare species location was included in the review memo to ensure that this area is not used for equipment

staging

9. This project does not require compensatory mitigation in accordance with Administrative Rule Env-Wt 302.03 as the stream bed impacts are temporary and will be restored.

10. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

2010-01041 WENTWORTH ESTATES ASSOCIATION
WOLFEBORO Wentworth Lake

Requested Action:

Replenish 710 sq ft of existing beach above full lake elevation with 8.7 cubic yards of sand, replenish 3530 sq ft of existing beach above full lake elevation with 43.2 cubic yards of sand, add 13 linear feet of rip rap above full lake elevation and adjacent to the westerly boatramp on an average of 682 ft of frontage on Lake Wentworth, in Wolfeboro.

Conservation Commission/Staff Comments:

No comments from Con Com by 07/13/2010

APPROVE PERMIT:

Replenish 710 sq ft of existing beach above full lake elevation with 8.7 cubic yards of sand, replenish 3530 sq ft of existing beach above full lake elevation with 43.2 cubic yards of sand, add 13 linear feet of rip rap above full lake elevation and adjacent to the westerly boatramp on an average of 682 ft of frontage on Lake Wentworth, in Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated April 22, 2010, as received by the NH Department of Environmental Services (DES) on April 23, 2010.
2. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. No more than 9 cu yd of sand may be used on the westerly beach and no more than 43 cu yd of sand shall be used on the easterly beach, and all sand shall be located above the normal high water line.
5. This permit shall be used only once, and does not allow for annual beach replenishment.
6. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
7. No rip rap shall be placed lakeward of full lake elevation.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(o), replenishment of a beach that does not meet the criteria for minimum impact under Env-Wt 303.04(d) or Env-Wt 303.04(aa) or minor impact under Env-Wt 303.03(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

2010-01089 MOLLEUR, LESLIE
DOVER Cocheco River

Requested Action:

Construct a tidal docking structure consisting of a 6 ft. x 35ft. permanent pier connecting to a 3 ft. x 40' ramp connecting to a 6 ft. x

20 ft. and 10 ft. x 20 ft. T-float, overall structure length 100 ft., providing three slips on 538.5 ft. of frontage on the Cocheco River.

Inspection Date: 07/08/2010 by David A Price

APPROVE PERMIT:

Construct a tidal docking structure consisting of a 6 ft. x 35ft. permanent pier connecting to a 3 ft. x 40' ramp connecting to a 6 ft. x 20 ft. and 10 ft. x 20 ft. T-float, overall structure length 100 ft., providing three slips on 538.5 ft. of frontage on the Cocheco River.

With Conditions:

1. All work shall be in accordance with plans by Riverside & Pickering Marine Contractors dated March 25, 2010, as received by the Department on April 27, 2010.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. The decking of the dock shall have a minimum of 6 ft. clearance from the surface of the tidal marsh or 1:1 ratio of deck height to width as appropriate, and shall have 3/4-inch spacing between the decking planks.
4. This permit shall not be effective until recorded at the Strafford County Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Construction of this tidal docking structure consisting of a 6 ft. x 35ft. permanent pier connecting to a 3 ft. x 40' ramp connecting to a 6 ft. x 20 ft. and 10 ft. x 20 ft. T-float, overall structure length 100 ft., providing three slips on 538.5 ft. of frontage on the Cocheco River shall be the only dock structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
8. Work shall be done during low tide.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
11. The float shall be constructed such as to rest on float skids to suspend the flotation drums off the substrate at low tides.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. There is currently no docking structure on the property to provide access to the water.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The permanent pier is designed at one foot of height for each foot of structure width, with 3/4 inch spacing between decking to prevent shading of the tidal vegetation; has a seasonal ramp and float; and is the minimum length necessary to reach usable water on the Cocheco River.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. A review of NH Natural Heritage Bureau records indicate that the exemplary natural community low brackish tidal riverbank marsh is within the vicinity of the project. Further review of the project by NHB determined that the proposed docking structure should not alter the hydrology or increase nutrient run-off at this location which are the major threats to this natural community. This project has been reviewed by the Pease Development Authority Division of Ports and Harbors which determined that the project would have no negative effect on navigation, per letter dated May 18, 2010; and the dock is located greater than 20 feet off the abutting property lines.
5. This dock is consistent with other tidal dock approvals in the seacoast.
6. DES staff field inspection on July 8, 2010 found that the site is accurately represented in the application.

-Send to Governor and Executive Council-

2010-01579 BEAVER BROOK ASSOCIATION
BROOKLINE Prime Wetland #20

Requested Action:

Repair and straighten existing headwalls and reinstall concrete slab stream crossing to provide passage for rail trail over Gulf Brook; and Remove granite box culvert remnants and install corrugated culvert 5' high by 7', 6 inches wide with natural bottom inside culvert for perennial stream and located approximately 900 feet west of Gulf Brook

APPROVE PERMIT:

Repair and straighten existing headwalls and reinstall concrete slab stream crossing to provide passage for rail trail over Gulf Brook; and Remove granite box culvert remnants and install corrugated culvert 5' high by 7', 6 inches wide with natural bottom inside culvert for perennial stream and located approximately 900 feet west of Gulf Brook

With Conditions:

1. For stream crossing # 1, as part of the restoration the existing upstream beaver dam will be completely removed. There will be no upstream obstruction present after restoration.
2. For stream crossing # 1, debris from the collapsed abutment wall currently in the stream bed will be removed and used to restore the abutments. After the restoration, the streambed itself will only contain native material that is present at the site.
3. For stream crossing # 1, the existing pipes and beaver deceiver devices will be removed from the stream and will not be replaced.
4. The Beaver Brook Association shall ensure that yearly monitoring of future beaver activity will be monitored through Trout Unlimited or other approved agent.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Work shall be done during low flow.
8. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
9. Faulty equipment shall be repaired prior to entering jurisdictional areas.
10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
11. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

Waive prime wetlands setback

1. The functional values for designated Brookline prime wetland # 20 will be enhanced by this project.
2. Finfish habitat will be significantly enhanced as the fish passage is blocked now will be restored to previous levels.
3. The project will remove the visual detractors present from primary viewing locations by repairing the eroded parts of the rail trail and return the general appearance of the area to its pre-flood condition.
4. The repairs will significantly reduce the current levels of erosion that are resulting in sediment runoff into Gulf Brook and toward the Nissitissit River from washout sides on the railbed.
5. The Brookline Conservation Commission has worked with the landowner, Beaver Brook Association to apply for a moose plate conservation grant - which was successful.
6. Fish and Game Department has agreed to monitor this project.
7. Trout Unlimited has written a letter of support of this project to restore the erosion conditions on Gulf Brook where it crosses an abandoned railroad bed in Brookline.
8. Trout Unlimited will volunteer hours to aid in the success of the restoration efforts of this project.

MINOR IMPACT PROJECT

2009-02165 DION REVOC TRUST, KATHLEEN
GILFORD Lake Winnepesaukee

Requested Action:

The Appellant requests reconsideration of the Department's April 16, 2010 decision to deny the request repair two existing breakwaters by removing small rocks and replacing with larger rocks, maintenance dredge 10 cubic yards of silt from an existing boatslip and replace an existing seasonal boatlift with a larger seasonal boatlift and increase the boathouse roof elevation to provide room for a larger boatlift.

Conservation Commission/Staff Comments:

Con Com requests normal siltation, erosion, and turbidity controls

DENY RECONSIDERATION:

Reaffirm the decision to deny the request to repair two existing breakwaters by removing small rocks and replacing with larger rocks, maintenance dredge 10 cubic yards of silt from an existing boatslip, replace an existing seasonal boatlift with a larger seasonal boatlift, and increase the boathouse roof elevation to provide room for the larger boatlift within a 3 slip permanent docking structure.

With Findings:

Grounds for Reconsideration

1. The Appellant maintains that the issuance of Permit # 2002-01319 to repair the structure in kind constitutes acceptance of the larger dimensions by the Department as approved.
2. The Appellant has submitted a copy of the plan submitted to the City of Gilford building permit to repair the docking structure on March 02, 1989. The plans are different than the plans submitted to the Department. The Appellant claims this is the plan that should be accepted as the approved dimensions of the docking structure and not the plan submitted to and approved by the Department under permit 1989-1226.
3. The Appellant states the need for the larger boat house is solely to accommodate larger boats.

Standards for Approval

1. Pursuant to RSA 482-A:10, II, Appeals, "A request for reconsideration of a department decision under RSA 482-A:3 shall be filed with the department within 30 days of issuance of the department's decision. The request for reconsideration shall describe in detail each ground for the request for reconsideration."
2. Pursuant to RSA 482-A:10, III, Appeals, "On reconsideration, the department shall receive and consider any new and additional evidence presented, and shall make findings of fact and rulings of law in support of its decision after reconsideration."
3. In accordance with Env-Wt 402.21 Modification of Existing Structures. "The department shall not approve any change in size, location, or configuration of an existing structure unless the applicant demonstrates, and the department finds, that the modification is less environmentally-impacting or provides for fewer boat slips and less construction surface area over public submerged lands than the current configuration."
4. In accordance with Env-Wt 402.09, (a), Structures Disallowed, "Boathouses located in or over the waters shall not be approved."

Findings of Fact

1. On July 21, 2009, the DES Wetlands Bureau received an application to repair two existing breakwaters by removing small rocks and replacing with larger rocks, maintenance dredge 10 cubic yards of silt from an existing boatslip and replace an existing seasonal boatlift with a larger seasonal boatlift and increase the boathouse roof elevation to provide room for a larger boatlift.
2. On April 16, 2010, the Department notified the Applicant, now the Appellant, of its decision to deny the application.
3. The Department's decision to deny the project was based the expansion of the non-conforming docking structure without permits

from the Department and the expansion of the boat house footprint without permits from the Department.

4. On May 14, 2010, the Department received a Request for Reconsideration of the Department's April 16, 2010 decision to deny the application.
5. The plans submitted with the Request for Reconsideration indicate footprints of the existing dock and boathouse roof which are larger than the structure permitted under DES permit 1989-1226 for this site.
6. The plans submitted with the Request for Reconsideration indicate a reduction of the non-conforming docking structure, however this reduction is not to the dimensions permitted under prior DES permit 1989-1226 and does not meet the requirements of Env-Wt 402.21. The proposed dock will still be longer and wider than the approved dock, and will cover more square feet over public waters than the dock approved under permit 1989-1226.
7. The plans submitted with the Request for Reconsideration indicate a modification of the existing boathouse roof outside dimensions by increasing the wall elevation and retain the expanded outside roof footprint.
8. The plans submitted with the Request for Reconsideration indicate a permanent boatlift in the center slip. A seasonal boatlift was permitted under DES permit 2002-01319.
9. The information submitted with the original application stated the need to raise the boathouse roof was to install a boat lift capable of lifting a larger boat.
10. The information submitted with the Request for Reconsideration includes a plan submitted to the City of Laconia for a local building permit. This plan includes a 13 ft x 14 ft addition to the docking structure not included in any DES permit application materials, this plan is significantly different than plans approved by DES.
11. Condition # 5 of permit 2002-1319 states "This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered."
12. The application filed for Permit 2002-1319 to repair existing structures included a certification statement, signed by the Applicant, stating that the existing docking structures as shown were those which were previously approved.
13. Permit 2002-01319 contains a condition which states the Department may take enforcement action at a later date if the information submitted in support to of the application is not accurate.

Rulings in Support of the Decision

1. The permanent non-conforming docking facility exceeds the dimensions permitted under DES permit 1989-1226 and the proposed modifications fail to meet the requirements of Env-Wt 402.21, therefore the reconsideration request is denied.
2. The Appellant has failed to submit information supporting the claim the expanded docking structure has been previously permitted by the Department.
3. The failure of the Applicant to submit accurate plans of the structures to the Department in 2002 does not preclude the Department authority to pursue restoration of the structures to the dimensions approved in permit 1989-1226.
4. The further expansion of the non-conforming docking structure including a boathouse over public waters in order to accommodate larger watercraft fails to meet the requirements of Env-Wt 402.21. Therefore, this application is denied.

2010-00399 DOLAN, JAMES & GLYNIS BURKE **MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Retain an existing 56 linear feet of replaced retaining wall, remove 33 sq ft of steps placed in the waterbody, and retain a 6 ft x 40 ft seasonal dock, on an average of 108 ft of frontage on Lake Winnepesaukee, in Moultonborough.

Conservation Commission/Staff Comments:

Con Com submitted comments stating they have no objections

APPROVE AFTER THE FACT:

Retain an existing 56 linear feet of replaced retaining wall, remove 33 sq ft of steps placed in the waterbody, and retain a 6 ft x 40 ft seasonal dock, on an average of 108 ft of frontage on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Hambrook Land Surveying revision dated June 11, 2010, as received by the NH Department of Environmental Services (DES) on June 16, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
5. The seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
7. The stone steps placed lakeward of full lake elevation of 504.32 shall be permanently removed from the waterbody and placed entirely out of jurisdiction.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(j), repair of existing retaining walls which require work in the water.

2010-00558

NH NORTHCOAST CORP

ROCHESTER Unnamed Stream Unnamed Wetland

Requested Action:

Retain a total of 530 sq. ft. (57 linear ft. of an intermittent stream) of impacts within DES jurisdiction for the removal of material from two culvert inlets, replacing a collapsed stone-block culvert with a 24 inch RCP with concrete headwalls and installation of associated rip-rap. DES emergency authorization was issued on March 17, 2010.

APPROVE AFTER THE FACT:

Retain a total of 530 sq. ft. (57 linear ft. of an intermittent stream) of impacts within DES jurisdiction for the removal of material from two culvert inlets, replacing a collapsed stone-block culvert with a 24 inch RCP with concrete headwalls and installation of associated rip-rap. DES emergency authorization was issued on March 17, 2010.

With Conditions:

1. All work shall be in accordance with plans and all descriptive details by Norway Plains Associates, Inc. dated May 13, 2010, as received by the Department on May 14, 2010.
2. Any further alteration of DES Wetlands Bureau jurisdictional areas on this property will require a new application and further permitting by the DES Wetlands Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), projects that disturb less than 200 linear ft. of an intermittent stream.
2. The applicant has provided evidence which demonstrates that potential impacts have been avoided to maximum extent practicable and unavoidable impacts have been minimized per Administrative Rule Env-Wt 302.03.

2010-01037

LITTLETON SCHOOL DISTRICT

LITTLETON Unnamed Wetland

Requested Action:

Fill 900 square feet of a drainage ditch (151 linear feet) for the construction of a new career and technical center at the Littleton Regional High School.

APPROVE PERMIT:

Fill 900 square feet of a drainage ditch (151 linear feet) for the construction of a new career and technical center at the Littleton Regional High School.

With Conditions:

1. All work shall be in accordance with plans by Breadloaf Architects Planners Builders entitled Littleton Career & Technical & Center & Middle School Expansion Sheets C1.1; C1.2 dated June 2010 as received by the Department on July 14, 2010 and Sheets C1.3; C1.4; C1.5 dated April 2010 as received by the Department on April 23, 2010
2. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
3. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
4. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
5. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
6. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a Minor Project per Administrative Rule Env-Wt 303.03 (l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The wetland is a man-made stormwater ditch. The stormwater will be diverted to a closed drainage system that will convey the stormwater to the municipal stormwater system.
6. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the NH Natural Heritage Bureau, or the Littleton Conservation Commission.

**2010-01372 FARMINGTON, TOWN OF
FARMINGTON Unnamed Wetland**

Requested Action:

Dredge and fill a total of 4,915 sq. ft. of wetlands (1,895 sq. ft. temporary and 3,020 sq. ft. permanent impacts) for lot development to support construction of treatment improvement structures at a municipal wastewater treatment facility, in response to an Administrative Order to increase effluent treatment at the plant.

APPROVE PERMIT:

Dredge and fill a total of 4,915 sq. ft. of wetlands (1,895 sq. ft. temporary and 3,020 sq. ft. permanent impacts) for lot development to support construction of treatment improvement structures at a municipal wastewater treatment facility, in response to an Administrative Order to increase effluent treatment at the plant.

With Conditions:

1. All work shall be in accordance with plans by Wright-Pierce dated 5/14/2010, as received by the NH Department of

Environmental Services ("DES") on 5/25/2010.

2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or matting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
9. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate of non-tidal wetlands which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The facility currently has an Administrative Order issued against it requiring improvements in effluent treatment.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The proposal is confined to an edge of the larger wetland system.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in the project vicinity.
5. The Farmington Conservation Commission did not report.
6. The Local Rivers Advisory Committee for the Cocheco River was notified of the application and did not comment.

MINIMUM IMPACT PROJECT

2010-01256 PEASE DEVELOPMENT AUTHORITY, MARIA STOWELL
PORTSMOUTH Unnamed Wetland

Requested Action:

Fill a total of 1,150 sq. ft. of wetland in three locations for the installation of a fence as part of an airport wildlife control program.

Conservation Commission/Staff Comments:

Con. Com. recommended approval of application.

APPROVE PERMIT:

Fill a total of 1,150 sq. ft. of wetland in three locations for the installation of a fence as part of an airport wildlife control program.

With Conditions:

1. All work shall be in accordance with revised plans by Hoyle, Tanner, Associates, Inc. dated April 21, 2010, as received by the Department on May 17, 2010.
2. Removal of any existing fence within wetland areas shall be done by hand and/or equipment booms or winching. Foot traffic

only will be allowed within these wetland areas to remove the fence. Mechanized equipment shall not be allowed within in these wetland areas to remove the fence.

3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
5. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k).
2. The need for the proposed impact has been demonstrated by the applicant per Administrative Rule Env-Wt 302.01(b). The proposed project is to install sections of chain link wildlife fence to maintain safety and security at the Portsmouth International Airport at Pease by preventing animals from accessing the aircraft operating areas.
3. Avoidance and minimization of impacts have been demonstrated by the applicant, per Administrative Rule Env-Wt 302.03, by installing the fence as far outside of the wetland areas as possible, while maintaining proper clearances for aircraft operations.

FORESTRY NOTIFICATION

2010-01690 WEBER TRUST/ HARDING TRUSTEE, FLORA BELLE & VIRGIN
WAKEFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Wakefield Tax Map 226, lot# 1

2010-01697 FOSTER, DAVE
HOPKINTON Unnamed Stream

COMPLETE NOTIFICATION:
Hopkinton Tax Map 258, Lot# 19

2010-01698 MCGLONE, JAMES, MICHAEL & PHILLIP
NOTTINGHAM Unnamed Stream

COMPLETE NOTIFICATION:
Nottingham Tax Map 70, lot# 25

2010-01699 BOYCE, TIMOTHY
EATON Unnamed Stream

COMPLETE NOTIFICATION:

Eaton Tax Map R10, Lot# 30A

**2010-01716 GEORGE, RICHARD
WEBSTER Unnamed Stream**

COMPLETE NOTIFICATION:

Webster Tax Map 4, Lot# 41

**2010-01791 GARDNER, RICHARD & NINA
SANBORNTON Unnamed Stream**

COMPLETE NOTIFICATION:

Sanbornton Tax Map 21, Lot# 8 & 12

EXPEDITED MINIMUM

**2007-02283 BUXTON, WILLIAM
KENSINGTON Unnamed Wetland**

Requested Action:

Dredge and fill 540 square feet of forested wetlands for the installation of a driveway for access to a single family dwelling.

Conservation Commission/Staff Comments:

The Kensington Conservation Commission is pleased with the impact reduction.

APPROVE NAME CHANGE:

Dredge and fill 540 square feet of forested wetlands for the installation of a driveway for access to a single family dwelling.

With Conditions:

1. All work shall be in accordance with plans by Richard Parker dated February 2008, as received by DES on February 20, 2008.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. DES staff shall be notified in writing prior to commencement of work and upon its completion.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. Work shall be done during low flow.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of forested wetland.

2. The proposed impacts are necessary to reach buildable uplands therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The impacts have decreased from 1,900 square feet on the original application to 540 square feet. The owner explored maintaining a shared drive, but the abutter would not agree to allow such activity. Therefore, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Kensington Conservation Commission is pleased with the modified plans.
6. The Kensington Fire Chief reviewed the plan and is agreeable to the 10-foot wide driveway for emergency vehicle passage.
7. Pursuant to Env-Wt 304.04, both Jennifer Buxton and Richard Hagget, Kensington Tax Map 12 Lot 45B-1, gave consent for those impacts within 20-feet of their property.

2010-00990 GRANITE STATE SHELLFISH
DURHAM Little Bay

Requested Action:

Cover 44,000 sq. ft. of estuarine bottom with seasoned mollusk shells to create oyster reef habitat.

APPROVE PERMIT:

Cover 44,000 sq. ft. of estuarine bottom with seasoned mollusk shells to create oyster reef habitat.

With Conditions:

1. All work shall be in accordance with plans by the Granite State Shellfish dated 3/30/2010, as received by DES on 4/29/2010.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. The permittee shall communicate with DES yearly for the life of the permit as to the status of the project's success.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(t), restoration of degraded wetlands, and meets the criteria specified Env-Wt 303.04(t)(1)-(4).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. This project proposes to provide base material for creation of a new oyster reef area, as many historic reef areas have been lost to siltation.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The proposal was developed in coordination with a UNH professor as Granite State Shellfish LLC, and NRCS, solely for oyster bed restoration, and is being funded by NRCS.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. The species of concern reported by the NH Natural Heritage Bureau ("NHB") as occurring in the project vicinity are not expected to be impacted by the project, per comments from NHB dated 3/22/2010.
5. The Durham Conservation Commission signed the expedited application.

2010-01045 GRANITE STATE SHELLFISH
NEWINGTON Little Bay

Requested Action:

Cover 44,000 sq. ft. of estuarine bottom with seasoned mollusk shells to create oyster reef habitat.

APPROVE PERMIT:

Cover 44,000 sq. ft. of estuarine bottom with seasoned mollusk shells to create oyster reef habitat.

With Conditions:

1. All work shall be in accordance with plans by the Granite State Shellfish dated 3/30/2010, as received by DES on 4/29/2010.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. The permittee shall communicate with DES yearly for the life of the permit as to the status of the project's success.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(t), restoration of degraded wetlands, and meets the criteria specified Env-Wt 303.04(t)(1)-(4).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. This project proposes to provide base material for creation of a new oyster reef area, as many historic reef areas have been lost to siltation.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The proposal was developed in coordination with a UNH professor as Granite State Shellfish LLC, and NRCS, solely for oyster bed restoration, and is being funded by NRCS.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. The species of concern reported by the NH Natural Heritage Bureau ("NHB") as occurring in the project vicinity are not expected to be impacted by the project, per comments from NHB dated 3/22/2010.
5. The Newington Conservation Commission signed the expedited application.

2010-01459 ROCHESTER, CITY OF
ROCHESTER Unnamed Stream

Requested Action:

Temporarily impact 450 sq. ft. of surface water to install a new watermain.

Conservation Commission/Staff Comments:

Con. Com. signed expedited application

APPROVE PERMIT:

Temporarily impact 450 sq. ft. of surface water to install a new watermain.

With Conditions:

1. All work shall be in accordance with plans by Wright-Pierce dated May 2010, as received by the Department on June 7, 2010.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
3. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with haybales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 ft. of undisturbed vegetated buffer.
4. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

5. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. All temporary impact areas shall be restored to original condition upon completion of work.

2010-01743 NEW DURHAM, TOWN OF
NEW DURHAM Unnamed Stream

Requested Action:

Replace in-kind twin 24" x 24' culverts and associated headwalls, impacting 600 sq. ft. of wetlands and unnamed stream.

APPROVE PERMIT:

Replace in-kind twin 24" x 24' culverts and associated headwalls, impacting 600 sq. ft. of wetlands and unnamed stream.

With Conditions:

1. All work shall be in accordance with plans by Mark Fuller, Town of New Durham Road Agent dated 5/28/2010, as received by the NH Department of Environmental Services (DES) on 7/1/2010.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be done during low flow.
4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Proper headwalls shall be constructed within seven days of culvert installation.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), repair or replacement of an existing nondocking structure such as a culvert or headwall.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing culverts are broken and failing.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported for the project vicinity by the NH Natural Heritage Bureau.
5. The New Durham Conservation Commission signed the expedited application.

2010-01744 THOMSON, STACEY
ORFORD Drainage Area

Requested Action:

Proposal to repair and stabilize a failed slope and drainage swale.

APPROVE PERMIT:

Approval to construct access, repair and stabilize a failed slope (approximately 1,200 sq. ft. of bank) and drainage swale (approximately 80 linear ft.) at the "Stacy Thomson Farm".

With Conditions:

1. All work shall be in accordance with plans by USDA, Natural Resources Conservation Service ("NRCS") Plan sheets 1 through 7 of 7 dated June 3, 2010 through June 22, 2010, as received by the NH Department of Environmental Services (DES) on July 2, 2010.
2. The project construction and planting success monitoring shall be overseen by NRCS.
3. No work shall be conducted within the Connecticut River without further permitting.
4. Work shall be done during low flow.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
13. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o) Projects deemed minimum impact by the department based on the degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The work is needed immediately to prevent further slope failure and to prevent additional loss of property and prevent continued erosion of the drainage swale and bank into the Connecticut River.
4. There is no work proposed in the river.
5. The New Hampshire Natural Heritage Bureau indicated that they do not expect impacts from the proposed project.
6. The Conservation Commission signed the application form waiving the right to intervene on the proposed project.
7. The DES Shoreland Protection Program was consulted on the project and it was determined that the agricultural project did not require any further Shoreland Permitting per RSA 483-B.
8. DES has not received any comments in objection to the proposed project.

2010-01769

DOMINI-DEYESSO, KRISTINA

MADBURY Unnamed Wetland

Requested Action:

Dredge 10,700 square feet of wet meadow to construct a wildlife pond.

APPROVE PERMIT:

Dredge 10,700 square feet of wet meadow to construct a wildlife pond.

With Conditions:

1. All work shall be in accordance with plans by American Engineering Consultants Corp. dated 5/3/2010, as received by the NH Department of Environmental Services (DES) on 7/6/2010.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
2. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
3. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
4. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
5. No fill shall be done for lot development.
6. No fill shall take place in Atlantic white cedar swamps.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or matting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(p), construction of a pond with less than 20,000 square feet of wetlands impact that complies with Env-Wt 303.04(p)(1)-(4).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The pond is intended to add diversity to the wetland and attract wildlife.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. The NH Natural Heritage Bureau reported that, while there is a record of a occurrence of a species of concern in the project vicinity, it is not expected to be impacted by the project.
5. The Madbury Conservation Commission signed the expedited application.

AGRICULTURE MINIMUM

2010-00292 NICOL FARM PARTNERSHIP
NEWTON Wet Pasture

Requested Action:

Impact a total of 2,896 square feet of wet meadow (poorly drained soils) for the maintenance dredge of an existing jurisdictional drainage swale and the installation of subsurface drainage structures for continued use of the existing agricultural fields.

APPROVE PERMIT:

Impact a total of 2,896 square feet of wet meadow (poorly drained soils) for the maintenance dredge of an existing jurisdictional drainage swale and the installation of subsurface drainage structures for continued use of the existing agricultural fields.

With Conditions:

1. All work shall be in accordance with plans and supplemental materials by the USDA NRCS received by DES on February 18, 2010 and June 15, 2010.
2. This permit shall be recorded with the Rockingham County Registry of Deeds office by the permittee.
3. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
4. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(u) Maintenance or improvement of existing crop or pasture land for continued agricultural use.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

GOLD DREDGE

2010-01821 TURNER, ELISHA
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2010-01822 MATTIACE, MARK
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

TRAILS NOTIFICATION

2010-01718 BERLIN, CITY OF
BERLIN Floodplian

COMPLETE NOTIFICATION:
Berlin Tax Map 131, Lot# 13

LAKES-SEASONAL DOCK NOTIF

2010-01840 MCKENNEY, CLIFTON AND KAREN
BARRINGTON Swains Lake

COMPLETE NOTIFICATION:
Barrington tax map 122 lot 23, Swains Lake

2010-01841 TRABKA, JOSEPH
UNITY Crescent Lake

COMPLETE NOTIFICATION:
Unity tax map 19 lot 263, Crescent Lake

2010-01862 MICHNO, EDWARD
TUFTONBORO Mirror Lake

COMPLETE NOTIFICATION:
Tuftonboro tax map 52 lot 3 block 70, Mirror Lake

ROADWAY MAINTENANCE NOTIF

2010-01798 NH DEPT OF TRANSPORTATION, DISTRICT 2
CANAAN Unnamed Stream

COMPLETE NOTIFICATION:
Replace 50' of 30" CMP with 50' of 30" PEP.

2010-01800 WARNER, TOWN OF
WARNER Unnamed Stream

COMPLETE NOTIFICATION:
Replace 60' of 24" steel culvert with plastic culvert.

2010-01801 WARNER, TOWN OF
WARNER Unnamed Stream

COMPLETE NOTIFICATION:

Replace 70' of steel culvert with plastic culvert.

2010-01804 PEMBROKE, TOWN OF
PEMBROKE Unnamed Stream

COMPLETE NOTIFICATION:

Installation of new culvert and headers.

2010-01805 AMHERST, TOWN OF
AMHERST Unnamed Wetland

COMPLETE NOTIFICATION:

Replace 18" CMP with HDPE pipe.

2010-01806 MASON, TOWN OF
MASON Unnamed Stream

COMPLETE NOTIFICATION:

Rebuild headwall and replace 12" metal culvert with 15" plastic culvert.

2010-01807 MASON, TOWN OF
MASON Unnamed Stream

COMPLETE NOTIFICATION:

Replace headwalls and 24" metal culvert with 24" plastic culvert.

2010-01808 ALEXANDRIA, TOWN OF
ALEXANDRIA Unnamed Stream

COMPLETE NOTIFICATION:

Replace 30' of 18" CACP with 40' of 18" PEP.

2010-01809 NH DEPT OF TRANSPORTATION
SWANZEY Unnamed Stream

COMPLETE NOTIFICATION:

Replace 18" metal pipe with 18" plastic pipe.

2010-01810 NH DEPT OF TRANSPORTATION
ERROL Unnamed Wetland

COMPLETE NOTIFICATION:

Replace 60' of 18" RCP with plastic same size and location.

2010-01812 ALEXANDRIA, TOWN OF
ALEXANDRIA Unnamed Wetland

COMPLETE NOTIFICATION:

Replace two failing culverts, headwalls and 5' extensions on inlets and outlets.

PERMIT BY NOTIFICATION

2010-01715 MORITZ, RAYMOND
MEREDITH Waukegan Lake

Requested Action:

Repair of existing docking structures with no change in size, location or configuration.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2010-01731 PAUL, THERESA
BELMONT Winnisquam Lake

Requested Action:

PBN disqualified as applicant does not have sufficient frontage on Lake Winnisquam.

Conservation Commission/Staff Comments:

Con Com did not sign PBN form

PBN DISQUALIFIED:

PBN disqualified as applicant does not have sufficient frontage on Lake Winnisquam.

With Findings:

1. The applicant does not have sufficient frontage on Lake Winnisquam.

2010-01781 SWISS VIEW CONDO
BRISTOL Unnamed Stream

Requested Action:

Installation of a seasonal watercraft lift.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Installation of a seasonal watercraft lift.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ad), installation of a seasonal watercraft lift.

2010-01815 UNIVERSITY OF NEW HAMPSHIRE
DURHAM Unnamed Stream

Requested Action:

Temporarily impact 334 square feet surrounding bridge pilings in College Brook in the dry to conduct masonry repair in-kind on the stone piling structures.

Conservation Commission/Staff Comments:

Durham Conservation Commission signed PBN.

PBN IS COMPLETE:

Temporarily impact 334 square feet surrounding bridge pilings in College Brook in the dry to conduct masonry repair in-kind on the stone piling structures.

CSPA PERMIT

2008-02042 151 BRIDGE STREET LLC, C/O SCOTT A WEYMOUTH
PELHAM Beaver Brook

Requested Action:

Approve name change to: 151 Bridge Street LLC, c/o Scott A. Weymouth, 450 Station Ave., South Yarmouth, MA 02664 per request received 7/15/10.

Previous owner: Ronda Conte/Richard & Kathleen Wunderlich

APPROVE NAME CHANGE:

Impact 66,306 sq ft to redevelop an existing automotive repair facility for use as retail space.

With Conditions:

1. All work shall be in accordance with plans by TF Moran, Inc. dated April 4, 2008 and received by the Department of Environmental Services ("DES") on September 24, 2008.
2. No more than 20% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional

approval is obtained from DES.

3. The project as proposed will leave approximately 66,055 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 36,180 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

2010-01061 LASHNITS, JOHN
ALTON Lake Winnepesaukee

Requested Action:

Impact 6401 sq ft for the construction of a new home, garage, driveway, and pervious parking area/patio.

APPROVE PERMIT:

Impact 6401 sq ft for the construction of a new home, garage, driveway, and pervious parking area/patio.

With Conditions:

1. All work shall be in accordance with plans by Brown Engineering dated April 21, 2010 revised July 3, 2010 and received by the NH Department of Environmental Services (DES) on July 12, 2010 and stormwater management details by Watermark Planning and Permits on plans by Brown Engineering received by the NH Department of Environmental Services (DES) on July 12, 2010.
2. No more than 27% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 450 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 450 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. The pervious patio shall be designed and constructed in a manner to ensure that it will effectively absorb and infiltrate stormwater.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.

2010-01513 HERMAN, JUDITH
HILLSBOROUGH Contoocook River

Requested Action:

Impact 3,960 sq ft for the modification of a portion of existing primary structure and construction of four additional parking spaces.

APPROVE PERMIT:

Impact 3,960 sq ft for the modification of a portion of existing primary structure and construction of four additional parking spaces.

With Conditions:

1. All work shall be in accordance with plans by Todd Land Use Consultants, LLC dated May 24, 2010 and received by the NH Department of Environmental Services (DES) on June 14, 2010.
2. No more than 18% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-01671 OLSEN, CHARLES
BARTLETT Saco River

Requested Action:

Impact 9,341 sq ft for the construction of a new house, garage, septic system and driveway.

APPROVE PERMIT:

Impact 9,341 sq ft for the construction of a new house, garage, septic system and driveway.

With Conditions:

1. All work shall be in accordance with plans by Ammonoosuc Survey Company, Inc. dated April 28, 2010 and received by the NH Department of Environmental Services (DES) on June 24, 2010.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 5.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave greater than 54,988 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 31,009 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-01673 1992 MARTIN MEADOW POND IRREVOCABLE TRUST, C/O EMI
LANCASTER Martin Meadow Pond

Requested Action:

Impact 1,805 sq ft for the expansion of parking area and a trench for utilities.

APPROVE PERMIT:

Impact 1,805 sq ft for the expansion of parking area and a trench for utilities.

With Conditions:

1. All work shall be in accordance with plans by Emilie C. Burack dated June 2010 and received by the NH Department of Environmental Services (DES) on June 24, 2010.
2. No more than 15% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 7,954 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,211 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2010-01674 SCHOCH FAMILY TRUST OF 2006
HOPKINTON Rolf Pond

Requested Action:

Impact 11,840 sq ft to realign a gravel driveway.

APPROVE PERMIT:

Impact 11,840 sq ft to realign a gravel driveway.

With Conditions:

1. All work shall be in accordance with plans by David M. Dolan dated June 15, 2010 and received by the NH Department of Environmental Services (DES) on June 25, 2010.
2. No more than 20.43% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 16,388 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 15,988 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-01680 HAYDEN, GEORGE
LOUDON Clough Pond

Requested Action:

Impact 3,745 sq ft for the regrading of effluent disposal system.

APPROVE PERMIT:

Impact 3,745 sq ft for the regrading of effluent disposal system.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated June 11, 2010 and received by the NH Department of Environmental Services (DES) on June 28, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 15.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 2,926 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,120 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-01688 STILES, CALVIN & CORRINE
STRAFFORD Bow Lake

Requested Action:

Impact 5,937 sq ft to replace the existing non-conforming structures with a conforming residential structure and associated accessory structures.

APPROVE PERMIT:

Impact 5,937 sq ft to replace the existing non-conforming structures with a conforming residential structure and associated accessory structures.

With Conditions:

1. All work shall be in accordance with plans by Geometres Blue Hills, LLC dated June 23, 2010 and received by the NH Department of Environmental Services (DES) on June 23, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 15.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 5,420 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 5,418 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain

in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-01693 NH DEPT OF TRANSPORTATION
CAMBRIDGE Androscoggin River

Requested Action:

Impact 29445 sq ft for the realignment of approximately 1 mile of Route 16 in the Town of Cambridge. The project includes the removal of 21,735 sq ft of existing pavement and results in a total net increase of 7,710 sq ft of impervious surface within the protected shoreland buffer of the Androscoggin River.

APPROVE PERMIT:

Impact 29445 sq ft for the realignment of approximately 1 mile of Route 16 in the Town of Cambridge. The project includes the removal of 21,735 sq ft of existing pavement and results in a total net increase of 7,710 sq ft of impervious surface within the protected shoreland buffer of the Androscoggin River.

With Conditions:

1. All work shall be in accordance with plans by NH Department of Transportation District 1 Office dated June 16, 2010 and received by the NH Department of Environmental Services (DES) on June 28, 2010.
2. No more than 29,445 sq ft of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. All impacts within the banks and bed of the Androscoggin River are contingent on approval by the DES Wetlands Bureau.
9. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. Silt fencing must be removed once the area is stabilized.

2010-01702 FINOCCIARO, SUZANNE
HAMPSTEAD Big Island Pond

Requested Action:

Impact 110 sq ft for the construction of a boat ramp, steps, and retaining wall along the shore of Big Island Pond.

DENY PERMIT:

Impact 110 sq ft for the construction of a boat ramp, steps, and retaining wall along the shore of Big Island Pond.

With Findings:

Standards for Approval

1. Pursuant to RSA 483-B:3, Consistency Required, "State and local permits shall be issued only when consistent with the policies of this chapter."

Findings of Fact

1. The Applicant is the owner of a lot that is approximately 0.39 acres in size located within the protected shoreland of Big Island Pond more particularly identified on Town of Hampstead Tax Map 3 as Lot 51(the "Property").
2. On June 29, 2010, the applicant submitted a Shoreland application to construct a boat ramp, steps, and retaining wall along the shoreline of Big Island Pond.
3. Upon review of the plans and photographs provided in the application, DES staff determined that the boat ramp, steps, and retaining require a permit pursuant to RSA 482-A:3. DES had no record of a Wetlands application being filed for the aforementioned structures.
4. In addition, review of the information provided documents an existing retaining wall within the bank of Big Island Pond and existing seasonal docking structures. DES has no record of a Wetlands permit being obtained in accordance with RSA 482-A for the above referenced shoreline structures.

Ruling in Support of the Decision

1. The issuance of a permit for additional impacts within the protected shoreland prior to achieving compliance with RSA 482-A and RSA 483-B:9,V,(a)(1),(D) currently existing on the frontage would not be consistent with the intent and purpose of the Act. Therefore, the application is denied pursuant to RSA 483-B:3.1.
2. This file will be referred to the Wetlands Bureau Enforcement Section for further review and compliance investigation.

CSPA PERMIT W/VARIANCE

2010-00378 RUGGIERO, ROCCO & MARY
WASHINGTON Ashuelot Lake

Requested Action:

Impact 7,868 sq ft for the purpose of constructing a new dwelling and associated accessory structures and installing a new septic system.

APPROVE PERMIT:

Impact 7,868 sq ft for the purpose of constructing a new dwelling and associated accessory structures and installing a new septic system.

VARIANCE APPROVED: RSA 483-B:9,V (c)(2)(A)(i) is varied to allow installation of a septic system 94 ft from the reference line on a lot where the receiving soil downgradient of the leaching portions of the proposed septic system is a porous sand and gravel material with a percolation rate equal to or faster than 2 minutes per inch.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc., dated February 1, 2010 and received by the Department of Environmental Services ("DES") on February 25, 2010.
2. This approval includes a variance of RSA 483-B:9, V (c)(2)(A)(i) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded variance is sent to the department by certified mail, return receipt requested.
3. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau.
4. No more than 7.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. No impacts to natural ground cover or native vegetation shall occur within the waterfront buffer except that necessary for a 6 foot wide access path to the jurisdictional waterbody.
6. All future impacts jurisdictional under RSA 482-A shall receive appropriate approvals from the NH DES Wetlands Bureau.
7. The project as proposed will leave approximately 5,094 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,405 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
11. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The applicant or their designated agent hereby request a variance of RSA 483-B:9 V(c)(2)(A)(i) for the purpose of installing a new septic system 94 ft from the reference line on a lot where the receiving soil downgradient of the leaching portions of the proposed septic system is a porous sand and gravel material with a percolation rate equal to or faster than 2 minutes per inch.
2. The literal enforcement of the standard would result in an unnecessary hardship as the applicant would be completely precluded from constructing a new, reasonable, 715 sq ft single family dwelling on an existing, buildable lot.
3. Granting the variance will not result in the diminution in the value of the surrounding properties as abutting properties have similar structures and all other aspects of the proposed project meet the standards of RSA 483-B.
4. Granting the variance will not be contrary to the spirit of RSA 483-B as a new "clean-solutions" system is proposed which will adequately treat all wastewater on-site.
5. Granting the variance will do substantial justice as the applicant will be permitted to construct a 715 sq ft dwelling while simultaneously providing the same degree of protection to the adjacent public waterbody.

CSPA PERMIT W/WAIVER

**2010-00663 J & S REALTY TRUST
WINDHAM Cobbetts Pond**

Requested Action:

Amend existing shoreland impact permit to alter proposed primary structure footprint in a way that allows for a one car garage.

APPROVE AMENDMENT:

Impact 4,970 sq ft for the purpose of redeveloping a non-conforming primary structure and installing stormwater controls.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the redevelopment of a site with a nonconforming primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with revised plans by Edward N. Herbert Assoc, Inc., dated May, 2010, and received by the Department of Environmental Services ("DES") on June 1, 2010, and planting plans received by the department on April 20, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. This permit is conditional upon the installation the proposed septic system approved by the NH DES Subsurface Systems Bureau.
4. No more than 20% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. The proposed dry wells will be designed, installed and maintained to effectively absorb and infiltrate stormwater.
7. Upon completion of the proposed project, the submitted planting plan will be implemented to ensure that all plantings have a 100% success rate.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Cobbett's Pond and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to decrease the overall imperviousness of the lot within the protected shoreland from 39.2 % to 20%.
4. The applicant has proposed to design and install a new state approved septic system
5. The applicant has proposed to plant additional, native vegetation within the waterfront and natural woodland buffers.
6. The applicant has proposed to install stormwater management controls in the form of drywells.
7. The applicant has proposed to install a new septic system, reduce the total amount of impervious surface coverage within the protected shoreland, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

2010-01464 MONROE, SHARON
ALTON Lake Winnepesaukee

Requested Action:

Impact 2,597 sq ft for the purpose of expanding a nonconforming primary structure and installing new septic systems.

APPROVE PERMIT:

Impact 2,597 sq ft for the purpose of expanding a nonconforming primary structure and installing new septic systems.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Varney Engineering, LLC, dated May 26, 2010 and received by the Department of Environmental Services ("DES") on June 8, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 15.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau and installing the proposed septic systems.
5. The project as proposed will leave approximately 7,726 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 4,201 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
6. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
7. The proposed plantings shall have a 100% survival success rate upon post construction inspection from DES or the areas shall be replanted until the 100% success rate is achieved.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
9. Upon completion of the proposed project, all disturbed areas will be stabilized with native vegetation.
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
12. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
13. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
14. Any fill used shall be clean sand, gravel, rock, or other suitable material.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. Silt fencing must be removed once the area is stabilized.
18. All pervious technologies shall be designed, installed and maintained to effectively absorb stormwater.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the

existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."

3. The applicant has proposed to add significant levels of vegetation within the waterfront buffer.
4. The applicant has proposed to install stormwater controls consisting of rain gutters that direct stormwater to dry wells.
5. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system.
6. The applicant has proposed to install stormwater controls, install a new septic system and enhance the waterfront buffer, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2010-01465 WARNER, TOWN OF
WARNER Warner River

Requested Action:

Impact 47,000 sq ft for the purpose of upgrading an existing public roadway.

APPROVE PERMIT:

Impact 47,000 sq ft for the purpose of upgrading an existing public roadway.

With Conditions:

1. All work shall be in accordance with plans by Provan & Lober, Inc., dated May, 2010 and received by the Department of Environmental Services ("DES") on June 9, 2010.
2. This permit is contingent upon receiving all necessary approvals from the NH DES Wetlands Bureau for proposed impacts within their jurisdiction under RSA 482-A.
3. If proposed impacts exceed 50,000 sq ft, all necessary approvals must be received from the NH DES Alteration of Terrain Program.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.

2010-01476 BOULDERWOOD TRUST, C/O LOUIS SHIPLEY
HOLDERNESS Squam Lake

Requested Action:

Impact 1,830 sq ft for the purpose of expanding a nonconforming primary structure.

APPROVE PERMIT:

Impact 1,830 sq ft for the purpose of expanding a nonconforming primary structure.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the

primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated June 8, 2010 and received by the Department of Environmental Services ("DES") on June 10, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 23.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau.
5. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. No impacts to natural ground cover or native vegetation shall occur within the waterfront buffer.
7. Upon completion of the proposed project, the submitted planting plan shall be implemented to ensure that each new planting achieves a 100% success rate.
8. The project as proposed will leave approximately 3,910 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,274 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
12. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
13. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
14. Any fill used shall be clean sand, gravel, rock, or other suitable material.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. Silt fencing must be removed once the area is stabilized.
18. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Squam Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to decrease the area of impervious surface coverage within the protected shoreland by 780 sq ft.
4. The applicant has proposed to install stormwater controls consisting of several infiltration trenches under the existing and proposed impervious areas of the primary structure.
5. The applicant has proposed to plant 5 additional native, woody trees in an area formerly composed of impervious driveway within the natural woodland buffer.
6. The applicant has proposed to install stormwater controls, reduce the total amount of impervious surface coverage within the protected shoreland, and enhance the natural woodland buffer, and therefore, meets the requirements for a waiver of RSA 483-B:9 as

described in RSA 483-B: 11, I.

2010-01487 HAUGHEY, THOMAS
GILFORD Lake Winnepesaukee

Requested Action:

Impact 3,505 sq ft for the purpose of expanding a nonconforming primary structure and installing stormwater controls.

APPROVE PERMIT:

Impact 3,505 sq ft for the purpose of expanding a nonconforming primary structure and installing stormwater controls.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with revised plans by Ames Associates, dated July 13, 2010 and received by the Department of Environmental Services ("DES") on July 13, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 5.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau.
5. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. No impacts to natural ground cover or native vegetation shall occur within the waterfront buffer associated with this project.
7. Upon completion of the proposed project, the submitted planting plan shall be implemented to ensure that each planting has a 100% success rate.
8. The project as proposed will leave approximately 8,410 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 5,683 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
11. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Silt fencing must be removed once the area is stabilized.
17. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to plant additional native, woody vegetation within the waterfront and natural woodland buffers.
4. The applicant has proposed to install stormwater controls consisting of infiltration trenches under the drip edges of the existing and proposed impervious areas of the primary structure.
5. The applicant has proposed to install sound stormwater controls and enhance the waterfront and natural woodland buffers, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

UTILITY NOTIFICATION

2010-01811 PSNH
DANVILLE Unnamed Stream